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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,873	08/06/2003	Jerome Lavoie	15397-1US SC/ip	7621

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EXAMINER	
PRONE, JASON D	

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,873	LAVOIE, JEROME	
	Examiner	Art Unit	
	Jason Prone	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 8-20* is/are rejected.

7)☒ Claim(s) *6 and 7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 August 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *08/06/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In Figures 7 and 8, item "18". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "piston and cylinder arrangement", of claim 14, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 9, 10, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bracq (FR-1,277,394).

Bracq discloses the same invention including a frame (1), a guide mounted to the frame for guiding a piece of wood along a feed path having a cutting zone (3), at least one circular blade mounted in the cutting zone and driven in rotation about an axis transversal to the feed path (6), that the blade has a toothless cutting edge (6), a source of power driving the blade (Fig. 1), a feeder advancing the piece of wood through the cutting zone at a linear speed substantially equal to a tangential speed of the cutting edge (f1), that the guide includes a roller mounted on one side of the feed path and biasing in rolling engagement with a side of the piece of wood while the wood is advancing (3), that the source of power includes a single motor (Fig. 1), that the blade and the feeder are driven by the single motor through a gear box having first and second outputs connected to first and second transmissions configured to ensure a linear speed ratio of 1:1 between the tangential speed at the cutting edge and the advancing speed imparted to the piece of wood by the feeder (Fig. 1), that the feeder includes a power driven feed roller adapted to frictionally engage a top surface of the piece of wood (4), that the at least one circular blade includes upper (6) and lower circular blades (5), that the blade are driven in opposite directions by the source of power (f2 and f3), and that the upper and lower blades are coplanar and places slantwise behind each other (Fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3, 4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bracq in view of Schroeder et al. Bracq discloses the invention but fails to disclose an axially extending gliding surface is provided on a side of the feed apparatus opposite the roller, that the roller pushes the wood against the gliding surface, that the roller is rotatably mounted on a pivot plate, that the pivot plate being mounted for pivotal movement about an axis normal to the support surface, and that the an axially extending gliding surface is adjustably mounted to a support surface of the frame. Schroeder et al. teaches an axially extending gliding surface that is provided on a side of the feed apparatus opposite the roller (12), that the roller pushes the wood against the gliding surface (Fig. 1), that the roller (29) is rotatably mounted on a pivot plate (24), that the pivot plate is mounted for pivotal movement about an axis normal to the support surface (27), and that the an axially extending gliding surface is adjustably mounted to a support surface of the frame (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Bracq with an axially extending gliding surface and pivotal roller, as taught by Schroeder et al., to allow the work piece to advance in a straight line.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bracq in view of Schroeder et al. as applied to claims 1, 2, and 4 above, and further in view of Lindstrom. Bracq and Schroeder et al. disclose the invention but fail to disclose that the roller is maintained in contact with the piece of wood by a piston and cylinder arrangement. Lindstrom teaches a roller (17) that is maintained in contact with the

piece of wood by a piston and cylinder arrangement (26). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Bracq in view of Schroeder et al. a piston and cylinder arrangement, as taught by Lindstrom, to allow the roller a more rigid structure.

8. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bracq in view of Massé. Bracq discloses the invention but fails to disclose that the feeder includes a power driven discharge roller adapted to engage the top surface of the wood and that the feed, that the discharge rollers being respectively upstream and downstream of the blade relative to a direction of travel of the wood, that the power driven feed roller is supported by an overhead mounting structure comprising a mounting plate mounted for vertical sliding movement along a vertical guide, a biasing structure acts on the roller mounting plate for positioning the feed roller against the top surface of the wood, and that the biasing structure is a piston and cylinder arrangement. Massé teaches a feeder that includes a power driven discharge roller adapted to engage the top surface of the wood (22), that the feed and discharge rollers that are respectively upstream and downstream of the blade relative to a direction of travel of the wood (Fig. 2), that the power driven feed roller is supported by an overhead mounting structure comprising a mounting plate mounted for vertical sliding movement along a vertical guide (Fig. 2), a biasing structure acts on the roller mounting plate for positioning the feed roller against the top surface of the wood (28), and that the biasing structure is a piston and cylinder arrangement (28). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided

Bracq with a discharge roller and biasing structure, as taught by Massé, to better keep the work piece in the preferred cutting position straight until the whole cut is completed.

9. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bracq in view of Massé, Lindstrom, Schroeder et al., as applied to claims 1-5 and 8-16 above. In light of the structure rejection, the method is inherent.

Allowable Subject Matter

10. Claims 6 and 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gaubert, Underwood, Kuts, Kenyon, Morris, Varley, Bonyman, Brewer, Sr., Jukoff et al., and Lavoie.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
April 7, 2004

Allan N. Shoap
Supervisory Patent Examiner
Group 3700